

Notice of Allowability

Application No.

10/537,576

Examiner

William J. Klimowicz

Applicant(s)

RUMPF ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to ____.
2. ☒ The allowed claim(s) is/are 1-23.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date ____
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application
- ☐ Interview Summary (PTO-413), Paper No./Mail Date ____
- ☒ Examiner's Amendment/Comment
- ☒ Examiner's Statement of Reasons for Allowance
- ☐ Other ____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Specification Amendments

(i) Prior to line 1 of page 1, under the Title of the invention "Inserting and extracting device for data carrier plates," the following centered Section Heading has been added --
TECHNICAL FIELD --.

(ii) At page 1, after line 12, the following centered Section Heading has been added --
SUMMARY --.

(iii) At page 4, after line 25, the following centered Section Heading has been added --
BRIEF DESCRIPTION OF THE DRAWINGS --.

(iv) With regard to page 5 (line 4), the phrase "Fig. 3 shows" has been deleted and replaced by the following -- Figs. 3a, 3b and 3c show--.

(v) At page 5, after line 17, the following centered Section Heading has been added --
DETAILED DESCRIPTION --.

Claim Amendments

(I) With regard to claim 8 (line 3), the word “the” has been deleted (in order to obviate a minor antecedent basis informality without changing claim scope).

(II) With regard to claim 16 (line 2), the word “motor” has been changed to the word -- piezomotor-- (in order to obviate a minor antecedent basis informality without changing claim scope, note claim 3 references a piezomotor, and the specification references both designators (10) and (100) as piezoelectric motor(s)).

Reasons for Allowance

The following is an Examiner's statement of reasons for allowance:

The prior art of record fails to fairly, teach, show or suggest, by either anticipating or rendering obvious, the invention as set forth in the claims of the instant application.

Furthermore, a search made does not detect the combined claimed elements as set forth in the pending claims. Additionally, the reasons for allowance of the claims over the prior art of record is believed to be readily clear, self evident and apparent from the claim language set forth in sole independent claim 1, when compared and contrasted with the prior art.

More particularly, the instant invention (as set forth in independent claim 1) provides for an inserting and extracting device for rotatable data carrier plates which mechanically moves the data carrier plate from an inserting position into a playing position before playing and back into the inserting position again after playing, with parallel guide rails which extend over the full range of movement for insertion and extraction and which guide the data carrier plate in

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grooves at diagonally mutually opposed edge regions, wherein at least one of the guide rails transmits to the data carrier plate motion pulses in one of its directions of movement, by means of which pulses the data carrier plate is moved in the insertion or extraction direction.

The closest art includes Nakamichi (US 5,878,011) who discloses a an inserting and extracting device for rotatable data carrier plates (D) which mechanically moves the data carrier plate (D) from an inserting position (FIG. 14) into a playing position (FIG. 17) before playing and back into the inserting position (FIG. 14) again after playing, with parallel guide rails (1002, 1003) which extend over the full range of movement for insertion and extraction and which guide the data carrier plate. The movement of the disc is carried out via a rotating belt (14) around pulleys (7, 15).

Nakamichi (US 5,878,011), however, does not disclose, alone or in combination, with the prior art, wherein then guide rails include grooves at diagonally mutually opposed edge regions, wherein at least one of the guide rails transmits to the data carrier plate motion pulses in one of its directions of movement, by means of which pulses the data carrier plate is moved in the insertion or extraction direction.

Thus, Nakamichi (US 5,878,011) does not teach, show or suggest, the invention as set forth in claim 1 of the instantly claimed invention.

Thus, Nakamichi (US 5,878,011) does not disclose the invention as set forth in the manner, function and relationship relative to other claimed structure as prescribed by the independent claim 1.

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Additionally, Nakamichi (US 5,878,011) does not provide, alone or in combination with the art of record or general knowledge within the art, any suggestion or teaching for the invention as set forth in the independent claim 1.

Conclusion

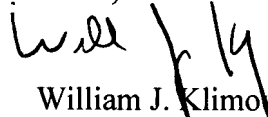
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Klimowicz whose telephone number is (571) 272-7577. The examiner can normally be reached on Monday-Friday (7:30AM-6:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


William J. Klimowicz
Primary Examiner
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WJK